HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.8090 of 2007

Dated:19.07.2007

Between:

PMR Memorial Educational Society.

…Petitioner.

and

Government of Andhra Pradesh and others.

…Respondents.

HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.8090 of 2007

ORDER:

The petitioner submitted an application for grant of permission to establish a College of Nursing. Government issued the Andhra Pradesh Private Colleges of Nursing (grant of permission to Private Colleges or Institutions and admission into B.Sc., Nursing Course) Rules, 1997 (for short 'the Rules'), in exercise of power under Section 99 of the Andhra Pradesh Education Act, 1982. The Rules were published in G.O.Ms.No.145, dated 18.05.1998. The application of the petitioner was processed, in accordance with the Rules. Through a letter, dated 07.02.2007, the Chairman of the High Power Committee, rejected the application of the petitioner, on the ground that it did not comply with Clause 4 (ii) (a) of the Statutes of N.T.R. University of Health Sciences and Clause 13 (ii) of the Rules. The petitioner challenges the same.

It is represented that the petitioner fulfilled the conditions stipulated in the Rules, and in fact, several applicants, who are similarly situated, as the petitioner, were accorded permission, whereas the petitioner was discriminated.

On behalf of the respondents, a counter-affidavit is filed. It is stated that the petitioner did not establish any hospital of its own and the alleged arrangement it had, was not in accordance with the Rules of the Government. It is stated that, even if the facts pleaded by the petitioner are taken as true, there would not be any compliance and that no exception can be taken to the impugned proceedings.

Heard learned counsel for the petitioner and the learned Government Pleader for Medical and Health.

One of the conditions, which an applicant must comply to establish a College of Nursing, is that it is affiliated to a hospital, having minimum of 200 beds, within the radius of 25 kilometers. The number of departments of the hospital, must have, is also stipulated under Rule 12 of the Rules. It is a different thing that the requirements under the statutes of the N.T.R. University of Health Sciences is somewhat dissimilar. Be that as it may, the question of granting permission to the petitioner would have arisen, if only, it had complied with the conditions under the Rules.

The petitioner states that it had obtained permission/affiliation to Government Hospital at Nandyal and that the same accords with Rule 12. However, Rule 13 of the Rules clearly mandates that the permission or affiliation to a Private College of Nursing can be accorded, only by the Government and not by the Superintendent of Hospital. In the instant case, the permission was accorded by the Superintendent of Hospital. In that view of the matter, no exception can be taken to the impugned proceedings. The petitioner must comply with the conditions and thereafter, renew its application.

The Writ Petition is disposed of, leaving it open to petitioner to comply with the relevant conditions and make a fresh representation to the respondents. As and when such representation is made, it shall be dealt with and appropriate orders be passed, within a period of four weeks from the date of presentation. There shall be no order as to costs.

Dt.19.07.2007 **L.NARASIMHA REDDY, J**

Note:Furnish C.C. in three days.

(B/o)

GJ